

60,130-1951; 03MRA0484

REMARKS

Claims 1, 3-13, and 15-18 remain pending in the application including independent claims 1 and 13. Claims 2 and 14 have been cancelled. New claims 19-22 have been added including independent claim 20. Claim 11 has been amended in response to the examiner's objection.

Claims 1-3, 13-16, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 6843746 to Hayes et al. Claims 1 and 3 have been amended to clarify that the impeller is shaped as an auger. The examiner admits that Hayes does not disclose this feature.

Claims 4, 7-9, 11, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Tison. Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Fidelman. Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Iseki.

Applicant asserts that the rejections under 35 U.S.C. 103(a) are improper in light of 35 U.S.C. 103(c). According to 35 U.S.C. 103(c)(1) "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section when the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

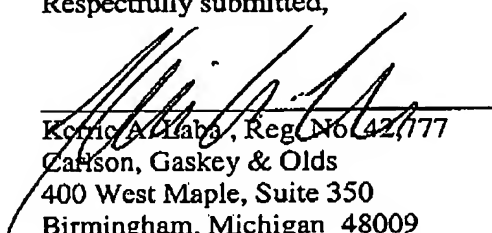
US 6843746 to Hayes et al., which the examiner applies under 35 U.S.C 102(e), is assigned to ArvinMeritor Technology, LLC. The subject matter of the present invention set forth in the subject application is also assigned to ArvinMeritor Technology, LLC. Thus, both the subject matter of the present invention and the subject matter of Hayes are assigned to the same

60.130-1951; 03MRA0484

entity. Thus, Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) based on Hayes be withdrawn.

Applicant asserts that all claims are now in condition for allowance and request an indication of such. Applicant believes that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

Respectfully submitted,


Korne A. Alabo, Reg. No. 42,177
Carlson, Gaskey & Olds
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: September 9, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on September 9, 2005.


Laura Combs